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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P (S) No. 6064 of 2007

PETITIONER Ku. Maheshwari, d/o Shri Rameshwar Addil, aged about 35 years, r/o village Telasi, Block Palari, Distt. Raipur (C.G)

Versus

RESPONDENTS

1 Smt. Pushpa Devi, w/o Shri Chandrakant aged about 32 years, village Telasi Block Palari, District Raipur (C.G)

2 Chief Executive Officer, Janpad Panchayat Palari, Distt. Raipur (C.G).

3 The Upper Collector, Baloda Bazar, Distt. Raipur (C.G).

4 The Collector, Distt. Raipur (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anand Mohan Tiwari, counsel for the petitioner.

Ku. Sunita Jain, Panel Lawyer, for the State/respondents on advance copy.

ORAL ORDER

(10.10.2007)

SUNIL KUMAR SINHA, J,

Heard.

Learned counsel for the petitioner argues that the petitioner was a candidate for appointment to the post of Anganbody Worker and was having better qualifications etc., than the respondent no.1 whereas the respondent no.1 was appointed vide order dated 18.7.2006 and the appointment order was not issued in favour of the petitioner. He submits that in this regard, a representation was filed before the Sub-Divisional Officer vide Annexure P-5 and a copy was also given to the Upper Collector, Baloda Bazar but the said representation has not been decided so far. However, learned counsel for the petitioner submits that the statutory appeal has

not been filed by the petitioner and before availing such remedy, the petitioner has rushed with this petition to the High Court.

I am not inclined to entertain this petition at this stage. The petition is disposed of with a direction that if so advised, the petitioner may file statutory appeal before the concerned authority and if such an appeal is filed, it shall be disposed of by the said authority in accordance with law, at the earliest. If any adverse order is passed in the appeal the petitioner shall be free to visit this court once again.

At this stage, learned counsel for the petitioner submits that a reasonable time has elapsed from the date of passing of the impugned order, therefore, the matter of limitation may come in the way of the petitioner.

Needless to say that if the remedy is available to the petitioner for condonation of delay, the petitioner would be free to avail that remedy which shall also be dealt with in accordance with law, by the Statutory authority.

This petition stands finally disposed of with the aforesaid observation at the motion stage.

Sd/-
Sunil Kumar Sinha
Judge